

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KURT E. RENT,)	
Plaintiff,)	
)	
vs.)	1:04-cv-359-RLY-WTL
)	
AMTRAK,)	
Defendant.)	

**ORDER ON MOTION TO STAY PROCEEDINGS IN FEDERAL COURT AND
MOTION TO REMAND CAUSE FOR FURTHER INVESTIGATION BY EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION**

Plaintiff, Kurt E. Rent, alleges that Defendant Amtrak misrepresented facts in its Position Statement to the Equal Employment Opportunity Commission (“EEOC”) during its investigation of Plaintiff’s charge of discrimination. Plaintiff therefore requests that the court stay these proceedings in federal court and remand the cause to the EEOC for further investigation.


Defendant objects to Plaintiff’s motion on two grounds. First, because the EEOC issued a Notice of Right to Sue, its review is terminated. *Riley v. American Family Mutual Ins. Co.*, 881 F.2d 368, 371 (7th Cir. 1989) (citing 29 C.F.R. § 1601.28(a)(3)). Second, even if Plaintiff is correct, the ultimate result of the EEOC renewed investigation would be the same – Plaintiff would be given the right to file suit in federal court.

The court, having read and reviewed the Plaintiff’s motion, the supporting and opposing briefs, and the applicable law, finds the Defendant’s arguments are correct.

Plaintiff's motion is therefore **DENIED**.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that
Plaintiff's Motion to Stay Proceedings in Federal Court and Motion to Remand Cause for
further Investigation by Equal Employment Opportunity Commission is **DENIED**.

SO ORDERED this 5th day of December 2005.


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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